

## ORDINANCE

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### MUNICIPAL INFRACTIONS

BE IT ENACTED by the Council of the City of Farmington, Iowa:

**SECTION 1** Definitions: For use in this Ordinance, the following terms are defined:

1. MUNICIPAL INFRACTION: The doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor, by this code or any ordinance or code hereby adopted by reference, or omission or failure to perform any act or duty requested by this code or any ordinance or code herein adopted by reference. A violation shall not be a municipal infraction if it is a felony, an aggravated misdemeanor or a serious misdemeanor under state law or if the violation is a simple misdemeanor under Iowa Code chapters 687 through 747. A municipal infraction is punishable by civil penalty as provided herein.

2. OFFICER: The Mayor or his or her designee authorized to enforce this code of the City of Farmington.

3. PROPERTY OWNER: The contract purchaser if there is one of record, otherwise the record holder of legal title.

4. REPEAT OFFENSE: A recurring violation of the same section of this code.

**SECTION 2** Adoption Of Iowa Code On Municipal Infractions: Iowa Code section 364.22, Municipal Infractions, is hereby adopted by reference in its entirety. All amendments to Iowa Code section 364.22 shall automatically modify this section.

**SECTION 3** Penalties: The civil penalties for municipal infractions shall be consistent with the maximum penalties allowed by state law.

**SECTION 4** Notice of Violation: Any act constituting a municipal infraction under this code may be initially charged upon written simple notice of violation. An officer may serve a written notice of violation upon a party charged with an act constituting a municipal infraction either by personal delivery of said notice to the party or by mailing to same, certified mail and regular mail, to the party's last known address. A party who admits the reported violation may remit

payment of the penalty to the city clerk and perform any other act required to be performed, and in such event the party charged shall not be further prosecuted by issuance of a municipal infraction citation, shall not be assessed any costs and shall not be assessed any other expenses for such violation. The city shall retain all penalties thus collected. If the party charged denies the reported violation or fails to timely perform any act required to be performed by the notice of violation, a civil municipal infraction citation shall be served. Nothing in this section imposes a duty on the City or any officer of the City to initially charge any or all acts constituting a municipal infraction upon simple notice of violation, and the officer charged with enforcement may initially issue a civil municipal infraction citation seeking a civil penalty with or without additional relief. In the case of municipal infractions that are not initially charged upon simple notice, the civil citation shall serve as notification that a civil offense has occurred.

**SECTION 5** Administrative Fees: If an Officer is required in the same calendar year to issue a second notice of violation, municipal infraction citation, and/or a notice of abatement for violations of the City Code to a property owner for an offense at the same property, an administrative fee calculated to reimburse the City for the cost of investigating the alleged violations and carrying out the provisions of this ordinance of not greater than \$100.00 will be charged to the property owner in addition to any other fines, fees, penalties or costs imposed. The city clerk shall mail, by certified and regular mail, a statement of the administrative fee to the last known address of the property owner. Said statement shall be due and payable upon mailing and shall become delinquent if not paid within ten (10) days of the date of mailing. Any delinquent fees may be assessed against the property for collection in the same manner as a property tax, as provided by state law. This provision is not limited to repeat offenses, but is intended to apply to any subsequent notice, citation, or abatement order as set forth above, that is issued by a code enforcement officer in the same calendar year with respect to the same property.

Passed and approved: July 11, 2016

Janet Browning, Mayor

Becky L. Fry, Clerk

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